

ORIGINAL ARTICLE

Hayatullah [Hayatul@Ukm.My]The Importance Of The *Maqasid Al-Shari'Ah* In The Process Of Governing And Policy Making

Anwar Fakri Omar, Amir Husin Mohd Nor, Muhammad Nazir Alias, Mohd Adib Samsudin, Ibnor Azli Ibrahim, Hayatullah Laluddin, Abdel Wadoud Moustafa Moursi El-Seoudi and Ahmad Muhammad Husni

Department of Syariah, Faculty of Islamic Studies, National University of Malaysia

Anwar Fakri Omar, Amir Husin Mohd Nor, Muhammad Nazir Alias, Mohd Adib Samsudin, Ibnor Azli Ibrahim, Hayatullah Laluddin, Abdel Wadoud Moustafa Moursi El-Seoudi and Ahmad Muhammad Husni: Hayatullah [Hayatul@Ukm.My]The Importance Of The *Maqasid Al-Shari'Ah* In The Process Of Governing And Policy Making

ABSTRACT

Muslim jurists, in order to ensure that all the policies drawn by the authority are in line and consistent with the principles and foundations of Islam, provided some guidelines which have to be followed in the process of drafting relevant rules and regulations. Beside awareness of these guidelines, it is also necessary to have a thorough knowledge of the *maqasid al-shari'ah* and the manner of their application. Therefore, this article attempt to analyze the significance of *maqasid al-shari'ah* (purposes of the law) in the area of *siyasah shar'iyah* (Islamic public policy). This study using both descriptive and analytical methods, concludes that *maqasid al-shari'ah* (purposes of the law) are extremely important, therefore they should be seriously taken into consideration in the process of formulation of public policies and administrative law. Attention should also be given in the process to the level of *maqasid* in determining their priorities.

Key words: *maqasid*, *siyasah shar'iyah*, national policy, law

Introduction

Knowledge of the *maqasid al-shari'ah* is of extreme importance in the process of *ijtihad* (legal reasoning/derivation of rulings), especially in the realm of *siyasah shar'iyah*, in contemporary era. This is due to increased numbers of new issues and problems that were previously not known to classic scholars, hence remained unsolved in respect of their legal status and value. In confronting these new issues and problems, Muslims scholar have taken various positions. Some Muslims due to their short-sightedness and narrow horizon of their thinking, failed to understand these issues in dept hence consider them unpermissible. Consideration of new things by this group, as unpermissible, despite their being in conformity with the the tenets of Islam and being related to the category of necessity, has caused hardship and difficulty. This superficial view as held by some scholars, leave no option for the government but to opt for the law other than that based on the law of Allah.

Maqasid Shari'ah:

Literally, the term *maqasid* is the plural form of *maqasid* (مقصد) which means (purpose/goal). It has several meanings, among which is the intention of doing something or its mere intention (Ibn Faris 2001).

Terminologically, as defined by Ibn 'Ashur (2001) it means the underlying meanings of *shari'ah* rulings intended by God in all or most of the cases. While al-'Alim (1997) associates *maqasid* with *maslahah* (human interest) whether worldly one or the one related to the hereafter which are attainable by means of either attraction of benefit or repulsion of harm. al-Raysuni (1997) holds *maslahah* to mean the intended purpose or goals set by the lawgiver for the enhancement and realization of human welfare as a whole. al-Khadimi (1421H) defines it as the intended meaning underlying *shari'ah* rulings that are expressed in the form of wisdom of particular ruling or general interest which revolve around one goal that is to acknowledge servitude '*ubudiyyah* to Allah SWT hence, enhancing human interest *maslahah* in this world and the hereafter.

Corresponding Author: Anwar Fakhri Bin Omar, Lecturer at Department of Syariah, Faculty of Islamic Studies, UKM, Malaysia.
E-mail: afo@ukm.my

al-Khadimi definition is slightly different from the other given definitions, as his definition stress more on the servitude *'ubudiyyah* as the main purpose of the establishment of the law. For, this is the key factor in ascertaining humanity interest in both worlds, this world and the Hereafter.

Division of Maqasid:

Viewing *maqasid al-shari'ah* from different aspects, they can be divided into several divisions.

First Division:

In terms of its strength and impact, it consists of three main following categories (al-Shatibi 1421H):

a) Daruriyyat (Necessities):

According to Muslim jurists, this category is related to things which absence or interruption cause the disruption of the whole process of life. It consist of five things namely, religion, life, intellect, lineage and property. In their totality, they are seen as absolute requirements to the existence and spiritual well-being of every human beings. Interference with these elements or their interruption, causes destruction of life, cause chaos and the elimination of normal order in society (Kamali 2009). In view of the extreme significance of these elements, the *shari'ah*, on the whole, seeks to promote these essential values and validate all the measures necessary for their preservation and enhancement. The preservation of these elements is essential to the existence of society and continuation of human life. This can become obvious if we were to explore the underlying reason of all legal commands and prohibitions, which is the realization and protection of these elements. Thus, each command and prohibition and their relevant legislations aims directly or indirectly to attain one of these five basic values (Hayatullah et.al. 2012a).

Shari'ah preserves religion by means of propagation and the establishment of its (al-Raysuni 1997: 136) bases such as, faith performance of prayer, paying of zakat, poor due, fasting and pilgrimage. These measures along with other supporting acts are intended to protect and preserve the essential value of religion. In the same manner, *shari'ah* protects the life by maintaining proper nutritional care, marriage and transaction of sale and purchase. Thus, man is not allowed to deprive himself of permissible food, drink, clothing, marriage and proper care under any excuse, if that causes him harm (<http://www.islamland.org>). It protects intellect by acquisition of knowledge through the process of education, for; it is the axis of human dignity and obligations. It prohibits the use of intoxicating drink and drugs for the same purpose. The significance of intellect as a tool of knowledge and education is clear from the fact that Islam holds those with knowledge in high esteem and considers them as the inheritor of the prophets.

Shari'ah also preserves property as an essential value, by prescription of permissible means of its attainment. Islam permits obtaining property through permissible means, allows travelling in quest of sustenance and property throughout the world. It prohibits adultery and legislates rules and regulation for the establishment of marital life to preserve the essential value of lineage. All these affirmative and punitive measures are meant to protect and promote the essential values.

b) Hajiyyat (needs):

This category include things that are complementary to the component elements of the first category, *daruriyyat* (necessities). They are not in themselves a completely independent category. They play secondary role in relation to *daruriyyat* as they seek to protect and promote them. Their main role is to remove severity and hardship in cases where such hardship and severity do not threaten the vey survival of the normal order (Kamali 2009: 398). The examples of this category are the *rukhas* (concessions) such as the shortening of *salat* and the forgoing of the fast by the sick and the traveller. The main purpose of granting these concession is to prevent hardship and difficulty that may arise as a result of strict observation of act of *ibadah* in its original form. People could live without them if they are obliged to. For example, in the area of criminal law, the *hadith* which claims that 'prescribed penalties are to be suspended in all cases of doubt', provide a complementary value which is not absolutely essential, as the burden of proof for crimes of prescribed penalties is extremely stringent, yet it allow a potentially innocent defendant to be relieved of difficulties at the very early stage. Also in the sphere of *mu'amalat* contracts such as the sale of *salam* (lease) and the *ijarah* (hire) are validated to remove the difficulties that may results in due to strict observation of the contract of sale and purchase, as it requires the presence of commodities and service at the time of conclusion of contract. Although these contracts are not very essential to the maintenance of normal order, yet they are needed to avoid hardship.

However, the *maqasid* of *hajiyat* category can be elevated to rank of essential provided that they are related to the public at large. For, certain concessions, granted in the sphere of '*ibadah*', for instance, may be of secondary importance to the survival of individual, but they may acquire primary value for the community as a whole. The example, of this category is the shortening of the *salat* in the battlefield (Kamali 2009: 398).

c) Tahsiniyyat (embellishments):

This category occupies the lowest level in the hierarchical position of *maqasid*. It includes things that are in the nature of desirabilities and aim at attainment of refinement and perfection in the customs and conduct of the people at all levels. Therefore, to attain the level of desirability and perfection in '*ibadah*', *shari'ah* encourages cleanliness of body and attire and recommends, for example, the use of perfume when attending Friday prayer. Furthermore, *shari'ah* encourages the giving of charity to those in need, in addition to the *zakat*, which is obligatory. Similarly supererogatory prayers and voluntary fasting are recommended by *shari'ah* for the same purpose which is the achieving of perfection and desirability in '*ibadah*'. In customary matters and interpersonal relation, *shari'ah* encourages *al-rifq* (gentleness), *husn al-khuluq* (pleasant speech and conduct) and *ihsan* (fair dealing). To top it all, *shari'ah* advise the judge and head of the state not to be too eager in the enforcement of penalties but to look into their surrounding circumstances before their implementation. All this is meant to attain refinement and excellence in all areas of human activities. In sum, *tahsiniyyat* are a very important category due to their pervasive nature, relatedness to all other categories. For example, one can perform the obligatory *salat* in different ways, such as praying with full and proper concentration, giving each of its parts their due attention and to perform it with haste and thoughtlessness. The different between the two forms is that the first form attain both the essential and the desirable elements while the second form at best can be seen as discharging duty.

Second Division:

Considering *maqasid* from the aspect of its source it can be divided into two categories.

a) Maqasid al-Shari' (goals of the law giver):

This category represents the magnificent and noble goals and purposes of God, which indisputably attract enormous advantages to humanity and dispell to the greatest possible extent disadvantages and harm. This can be actualised through abiding by the law of God, obeying His commandments and avoiding His restrictions.

b) Maqasid al-Mukallaf (goals of subject of the law):

This type of *maqasid* (goals) represents the purposes and objectives that a servant or worshiper intend to achieve through performance of acts of '*ibadah*', be it in the form of words or deeds or *i'tiqad* (belief) and '*amal*' (deeds). It is of extreme importance to bear in mind that the objectives of the subject of the law should be in full conformity with the objective of the law. The criterion for such conformity is the purity of intention of the subject of the law. It means the subject of the law should be sincere and should not succumbed to evil intention such as showing off and gaining fame and reputation.

Third Division:

In respect of its duration and time, *maqasid* can be divided into two types.

a) Maqasid Ukhrawi (goals of Hereafter):

This type of *maqasid* generates and attracts everlasting good and benefit, different from the worldly benefit which is temporary and can be diminished. It takes the form of attaining reward in the hereafter and salvation from retribution and punishment therein. It does not even preclude someone from gaining the good things in this world. For example, prayer as an act of '*ibadah*' does not only secure goodness in the eternal world, in terms of gaining God's blessing and rewards, but also entail worldly good such as protection from evil deeds and indulgence with adultery. In the same manner, *zakat* (alms) beside its original aim of obtaining the pleasure of God and His rewards in the next world, attracts worldly benefit such as the eradication of poverty and hence, fostering love among individuals members of the society. Likewise fasting as an act of '*ibadah*' does not only generates eternal good in terms of reward in the hereafter but also leads to purity of heart and healthy life. Furthermore, *hajj* as another example of act of '*ibadah*' aims at the eternal and everlasting good which is the blessing of God in the hereafter. At the same time it secure worldly benefits in terms of gaining acquaintance and establishment of mutual relationship and facilitation of business transactions between pilgrims.

b) Maqasid Dunyawī (worldly goals):

Human being naturally aims to do as much good as he can and to avoid or prevent the harm from befalling on the society. Therefore, what ever is considered to be conducive to such situation, constitutes this category of goals.

Fourth Division:

Maqasid from the aspect of its scope and coverage can be divided into three following categories:

a) Maqasid ‘Ammah (general goals):

This category consists of the general objectives taken into account by the *shari‘ah* in laying down all or most of its laws, as is clear from previous category *daruriyyat*.

b) Maqasid Khassah (specific goals):

This category of objectives embodies the underlying objectives of the law related to particular matters such as the matrimony financial affairs, judiciary and worships. *Shari‘ah* therefore, legislated specific laws for the realization of certain specific objectives within these areas of human conducts.

c) Maqasid Juz‘iyyah (partial goals):

This group of objectives are related to certain obligations where they are explicitly mentioned by law. This category deal with specific obligation in terms of their status of whether being prohibited, recommended, encouraged and required whereas, positive law deal with those things considered as condition, reason, hindrance (مانع) or an ‘illah (علة) to legal obligations.

Fifth Division:

This category is viewed from the aspect of the level of certainty attached to *maqasid*.

a) Maqasid Qat‘iyyah (definite goals):

This category demonstrate the objectives which determination as such is proven with certainty through recurrence of relevant evidences in a larger number such as the principle of *al-taysir* (convenience), removal of inconvenience or restriction (رفع الحرج) and serving rightful justice.

b) Maqasid Zanniyyah (speculative goals):

This category occupies the lower level in the hierarchy of *maqasid*, therefore, are subject to difference of view. In fact, the degree of the realization of the purposes of the law can be divided into the following five levels:

- 1) The level where the realization of the purposes is certain.
- 2) The level where the realization of the purposes is most probable.
- 3) The level where the realization of the purposes and its non-realization is equally presumed.
- 4) The level where their realization is unlikely, but logically possible (Hayatullah et.al. 2012b: 226)
- 5) The level where their realization is not possible at all.

c) Maqasid Wahmiyyah (imaginary goals):

This type of *maqasid* are presumed to be leading to the attainment of benefit and removal of harm, while in reality they are not. Thus, they are not given any consideration in the sphere of the law, due to the lack of certainty.

Sixth Division:

This division is devised in view of its level of inclusion, in this respect it is divided into two categories as well which are:

a) *Maqasid Kulliyah (universal goals):*

This type of *maqasid* involves the whole humanity and their intended benefits are inclusive of all and relates to every single member of human society, such as the preservation of the *Quran* and *Sunnah* from any sorts of distortion and alteration and the upholding of the principle of justice in all human conduct.

b) *Maqasid Aghlabiyyah (major goals):*

This category involves majority of community and safeguards them against any contingency potential of harming them. The illustration of this kind of *maqasid* is the the imposition of fine on manufacturer in cases of negligence and damage to the goods, saving of cash and valuable property in banks and the seeking of treatment at hospitals. These all represent *maqasid aghlabiyyah* or the category of major goals.

c) *Maqasid Fardiyyah:*

They are the kind of *maqasid* (goals) which are attached to certain individuals and come into effect in certain circumstances, such as the annulment of marriage of a missing husband (*mafqud*) and giving the wife her share of inheritance, if she is divorced with triple pronouncements of *talaq* by her husband during *marad al-mawt* (fatal illness)

Seventh Division:

This division is drawn in view of their strength and superiority. In respect to their nature *maqasid* can be divided into two types:

a) *Maqasid Asliyyah (primary goals):*

This kind of *maqasid* are not within the special domain of any specific tribe or group of people. They are absolute and universal goals and their significance as primary goals is equally upheld by human society as a whole throughout different epoches of history in all circumstances. They represent the needs and necessities which are duly taken into consideration by all religions and societies regardless of whether they are relate to individual or society as a whole.

b) *Maqasid Tab'iyah (secondary goals):*

This is the type of *maqasid* that takes into account human needs. Through it, humans are able to achieve their natural desires and wants as long as they are allowed by the Islamic law. This kind of *maqasid* play complementary role in relation to the *maqasid asliyyah* (original goals).

Instances of Siyasaah (Political) Decisions Based on The Consideration of Maqasid by The Prophet PBUH:

Some instances of *siyasaah* (political) decisions based on the consideration of *maqasid* by the prophet PBUH are as follow:

In order to comprehend the significance of *maqasid* and its role in political decisions, it is imperative to mention some instances of political decisions where the Prophet PBUH took into account the various types of *maqasid* mentioned earlier. This is significant for it can serve as a model for contemporary rulers to be followed. It also proves viability of Islam as a religion encompassing all aspects of human life hence, enhancing human being interests in both world , this world and the Hereafter.

First: The Banishment of the Jews and the Christians from the Arabian Peninsula:

First political decision by the prophet PBUH, based on his thoughtfull consideration of *maqasid*, was that of the banishment of the Jews and the Christians from the Arabian Peninsula, after they violated their treaty with Muslims and lauched war against them.

It is narrated by 'Umar RA that he heard the prophet saying: "I will certainly remove the Jews and Christians from the Arabian Peninsula until only the Muslims are left." (Muslim, n. D.

Here, it is clear that these words were uttered by the prophet PBUH during the early stage of the formation of Islamic state. Among the evidence supporting this claim are:

Ibn 'Umar narrated that the Jews of Banu al-Nadir and Qurayzah (tribes) launched war against the prophet PBUH. Consequently, he banished Banu al-Nadir and left Banu Qurayzah to stay and were forgiven. However, not long after this, Banu Qurayzah decided to fight against the prophet PBUH once again. After knowing their intention the prophet PBUH decided to punish them for the violation of the treaty. However, some of them came to the prophet PBUH and sought after his protection. Soon after being granted peace by the prophet PBUH, they embraced Islam. Banu Qaynuqa', which was the clan of 'Abdullah ibn Salam, as well as the Jews of Harithah tribe, along with other Jews who were residing around Medina were also removed from Madinah due to the same consideration (Muslim t.th.)

However, their banishment by the prophet PBUH did not include the Arabian Peninsula as a whole it was limited to Medina, as there were a number of Jews who were still residing on the outskirts of Medina. This has the support of the *hadith* narrated by Abu Hurayrah RA in which it is stated: "That when we were at the mosque, the prophet PBUH went out and said, "Let us proceed to the Jews" and so, we went out with him. When we reached them, the prophet called upon them and said "O Jewish people, embrace Islam, for you shall be safe." And they answered, "You have conveyed. O' Father of Qasim." Prophet PBUH once again reached out to them and said, "That is what I want. Embrace Islam, and you shall be safe." Once again, they replied, "You have conveyed, O Father of Qasim." Again, Prophet PBUH reached out to them and said, "That is what I want ..." for the third time. Then, he added, "Remember that this earth belongs to Allah and His Apostle. I want to expell you from this land. So, whoever among you has property, he must sell it. Otherwise, remember that this earth belongs to Allah and His Apostle." (Muslim t.th.)

Looking at the historical sequence of the event, it can be said that the Jews mentioned in the *hadith* are the remainders who had previously sought after peace from the prophet PBUH before the Khaybar War. This is clear from the historical background of its narrator, Abu Hurayrah RA as he embraced Islam in the seventh year of Hijah. In earlier account of the event given, it was mentioned that the prophet PBUH had banished them from Medina previously and had defeated them at Khaybar that year. Perhaps, the prophet PBUH had never banished them from the Arabian Peninsula during his lifetime. He had only driven the Jews of Medina away to Khaybar. He had never chased them out from Khaybar and from the Arabian Peninsula as well. Why did Prophet SAW restrain from doing so?

The underlying reason for restraining from such decision seem to be the prophet PBUH concern for the realization of *maslahah* (public interests) for the Muslim community. This is clear from the fact that a number of Jews approached the prophet PBUH and requested to work on farms and orchards in Medina and he therefore allowed them, as narrated in a *hadith* by 'Umar RA: "Prophet PBUH granted Khaybar to the Jews to work on its croplands and orchards, provided that his people receive half of the harvest." (al-Bukhari 1987)

In view of this consideration, the prophet PBUH did not banish them, taking into account the greater interest of Muslims community. For, the Muslims would benefit from Jews' expertise in farming and the Muslims army would be spared from preoccupation with forming hence, not abandoning *jihad* for the sake of Allah. This is something which is in consonance with the *maqasid al-shari'ah*.

During the time when the prophet PBUH was terribly ill, he ordered all his companions to publicly banish the entire Jews and Christians from the Arabian Peninsula as mentioned in a *hadith* of Ibn 'Abbas RA, in which prophet PBUH had mentioned three things in his will during his final hours. One of them was: "Should you banish the *mushrikin* (polytheists) from the Arabian Peninsula." (al-Bukhari 1987)

'Umar ibn al-Khattab fulfilled his will by sending the Jews out of Khaybar to the land of Sham because of their mischievous behaviour and violation of the treaty they had signed with Muslims. However, the Christians, on the other hand, had never been banished by prophet PBUH for they never violated their treaty which they had made with the prophet PBUH and stick to the terms of their treaty, hence remained untouched by the Muslims. This is clear from a narration whereby it is stated that "The Christians of Najran once came to Medina and spoke to the prophet PBUH. Then, both parties struck a deal according to which the Christians were required to pay *jizyah* (a form of tax). In return to their compliance with the terms of this agreement, they were protected and continued living peacefully and in harmony with Muslim community. This particular undertaking contains a kind of *maslahah* (interest) that is allowed by Islamic law. The prophet PBUH recognized their presence in the Arabian Peninsula and sent away with them one of his companions, Abu 'Ubaydah 'Amir ibn al-Jarrah RA. (Muslim t.th.)

An analysis of the treaty, signed between the Christians of Najran and the prophet PBUH, reveals that such decision was due to the consideration of *maqasid al-shari'ah*, as it would enhance the *maslahah* (interest) of all Muslims through the collection of *jizyah* payment. Later on, 'Umar ibn al-Khattab eventually banished them from the land during his reign as carrying out one of the prophet PBUH final orders mentioned in the previous *hadith* narrated by Ibn 'Abbas.

Second: Sulh al-Hudaybiyah (Hudaybiyah Peace Treaty):

At the end of the sixth year of *hijrah*, the prophet PBUH went on a pilgrimage with nearly 1400 of his companions. When they were approaching a place called al-Hudaybiyah, the prophet's PBUH camel suddenly stopped walking and refused to continue the journey. Then, his companions said, "al-Qaswa" (the name of the prophet's PBUH camel) refuses to walk!" Prophet PBUH replied, "It is not. It is never its temperament. But, it is halted by the One who had previously stopped the army of the elephants." (al-Bukhari 1987)

What the Prophet PBUH meant was that, the circumstance had changed from a purely religious visitation to a state of bloodshed and war. Then, a few representatives of the Quraysh Tribe were sent to meet the Prophet PBUH and inform him that he and his companions were prohibited from entering Mecca. The prophet PBUH then signed an agreement with the Quraysh tribe and returned to Medina. What led the Prophet PBUH to commit such act and discontinue his journey to Mecca?

The reason behind his action was the notion of avoiding a much greater harm by means of acceptance of a smaller one which is in consonance with the realization of *maqasid al-shari'ah*. For, the underlying reason for the decision not to confront the enemy was the apparent notion of avoiding a bigger threat affecting Muslims as a result of war itself, and the bearing of a rather small disadvantage, dissatisfaction with a number of seemingly unfair conditions imposed by the enemy.

The prophet PBUH companions, presumed that this treaty was not in favour of the Muslims as it did not serve their greater interest of performing religious visitations, it only served a smaller interest represented by entry of small number of people into the fold of Islam.

Nevertheless, after this treaty was made with the Quraysh, the prophet PBUH had ample time to propagate Islam to kings and rulers through writing to them. He was also able to clarify to the people that the religion he brought to them was accepting and promoting peace and agreement and that it does not resort to harshness and war unless forced to do so. Surely, this enhance the good image of Islam to outside world and hence, making it more appealing to the heart and mind of the people.

According to Ibn al-Qayyim (1987) among the benefit that Muslims gained through the *Sulh al-Hudaybiyah* (Hudaybiyah Treaty) period, was the creation of feeling of security and peace with each other. As a result of which the Muslims were able to freely intermingle with non-Muslims, hence, preaching the message of Islam to them openly, reciting Quran, holding dialogue and debate with them about Islam. Many people embraced Islam during this period.

Conclusion:

Comprehension of *maqasid al-shari'ah*, its understanding and realization is of essential importance, especially, in the realm of *siyasah shar'iyah* (Islamic politic). This is to ensure that the decisions arrived at in respect of public policies are accurate and responsive to the contemporary public needs of the society. This constitute the urgent need of the contemporary society due to the emergence of new problems previously not known to the society. The consideration of *maqasid* is also of crucial importance in the field of *siyasah* (politics) as they form their basis. For *siyasah* involve the knowledge of the real situation of the society and their related rules and regulations. Therefore, *mujtahid* (who is intrusted with authority to draft a particular law related to public affairs) is duty bound to have a thorough knowledge of the *maqasid al-shari'ah* so as to be able to devise rules that are conducive to the welfare of the society as a whole. The historical account of the instances during the prophet PBUH life, where he decided based on the consideration of *maqasid al-shari'ah*, provide a good model, in this respect, for the contemporary rulers to be followed.

References

- al-'Alim, Yusuf ibn Hamid, 1997. *al-Maqasid al-'Ammah li al-Shari'ah al-Islamiyyah*. Cairo: Dar al-Hadith.
- al-Bukhari, 1987. *al-Jami' al-Sahih al-Mukhtasar*. Beirut: Dar Ibn Kathir.
- Hayatullah, Laluddin et al. 2012a "The Relationship Between Islamic Human Right and Maqasidic Approach" in *The Social Sciences*, (1): 111-116.
- Hayatullah, Laluddin et al. 2012b. "The Relationship Between the Purposes of the Law and Legal Reasoning" in *International Business Management.*, 6(2): 223-227.
- Ibn 'Ashur, Muhammad al-Tahir, 2001. *Maqasid al-Shari'ah al-Islamiyyah*. Amman: Dar al-Nafa'is.
- Ibn al-Qayyim, 1987. *Zad al-Ma'ad fi Hady Khayr al-'Ibad*. Beirut: Mua'ssat al-Risalah.
- Ibn Faris, Ahmad, 2001. *Mu'jam Maqayis al-Lughah*. Beirut: Dar Ihya' al-Turath al-'Arabi.
- Kamali, Mohammad Hashim, 2009. *Principles of Islamic Jurisprudence*. 6th edition, Subang Jaya: 'Ilmiah Pulishers.
- al-Khadimi, Nur al-Din, 1421H. *Ilm al-Maqasid al-Shar'iyah*. Riyadh: Maktabat al-'Ubaykan.
- Muslim, Ibn al-Hajjaj. T.th. *Sahih Muslim*. Beirut: Dar Ihya' al-Turath al-'Arabi.

- al-Raysuni, Ahmad, 1997. *Nazariyyat al-Maqasid 'ind al-Imam al-Shatibi*. Mansurah: Dar al-Kalimah li al-Nashr wa al-Tawzi'.
- al-Shatibi, Ibrahim ibn Musa, 1421H. *al-Muwafaqat fi Usul al-Shari'ah*. al-Jizah: Dar Ibn 'Affan.